

## Message Text

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PAGE 01 STATE 049697  
ORIGIN IO-14

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C O N F I D E N T I A L STATE 049697

E.O. 11652:GDS

TAGS: UNHRC, SHUM, CI

SUBJECT: 34TH HUMAN RIGHTS COMMISSION, HUMAN RIGHTS IN  
CHILE, AGENDA ITEM 5

REF: GENEVA 3021

DEPARTMENT REDRAFT OF STATEMENT CONTAINED REFTEL  
FOLLOWS:

BEGIN TEXT: MR. CHAIRMAN,

LAST THURSDAY THIS COMMISSION RECEIVED THE THIRD REPORT  
PREPARED BY OUR AD HOC WORKING GROUP TO EXAMINE THE  
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PAGE 02 STATE 049697

SITUATION OF HUMAN RIGHTS IN CHILE. THIS GROUP HAS  
PREPARED SIX REPORTS IN ALL, INCLUDING THREE FOR THE  
GENERAL ASSEMBLY; OUR COMMISSION HAS BEEN DISCUSSING  
THE PRESENT AGENDA ITEM SINCE 1974. FOUR YEARS HAVE  
PASSED. WE STILL PERSIST IN OUR EFFORTS TO BRING OUR  
INFLUENCE TO BEAR SO AS TO IMPROVE THE HUMAN RIGHTS  
SITUATION IN CHILE. WE CAN TAKE NO OTHER COURSE. THIS

IS OUR MISSION AS A COMMISSION -- TO HELP THOSE  
INDIVIDUALS WHO SUFFER IN CHILE -- IN OTHER COUNTRIES. IT  
IS THE PEOPLE EVERYWHERE WHO ARE OF CONCERN TO US, EVEN  
THOUGH IT IS WITH GOVERNMENTS THAT WE MUST DEAL.

THE RECORD OF POSITIVE ACCOMPLISHMENT THROUGH OUR EFFORTS  
TO ALLEVIATE THE HUMAN RIGHTS SITUATION IN CHILE IS  
NOT ONE WHICH GIVES US GROUNDS FOR MUCH ENCOURAGEMENT.  
TRUE THERE HAS BEEN A MEASURE OF IMPROVEMENT IN IMPORTANT  
ASPECTS OF THE SITUATION IN THAT COUNTRY, AND WE ARE  
HAPPY TO RECOGNIZE THIS. THIS IMPROVEMENT HAS BEEN  
RECOGNIZED BY THE AD HOC WORKING GROUP ITSELF. NUMEROUS  
POLITICAL DETAINEES HAVE BEEN RELEASED. THERE HAS BEEN  
A NOTEABLE REDUCTION IN THE NUMBER OF ARRESTS SINCE  
1977, AND REPORTS OF TORTURE HAVE DROPPED OFF  
CONSIDERABLY. THE GOVERNMENT HAS RECENTLY SHOWN SOME  
RESPONSIVENESS TO THE CIVILIAN COURTS BUT OUR OVERALL  
CONCERNS REMAIN BECAUSE THE HUMAN RIGHTS PICTURE WHICH  
IS PRESENTED TO US IN THIS MOST RECENT REPORT IS STILL  
DEPRESSING, IS STILL ONE WHICH FALLS SHORT OF THE  
SITUATION WHICH EXISTED IN THAT COUNTRY FOR SO MANY  
YEARS WHEN THE GOVERNMENT OF CHILE WAS A LEADER IN  
THIS ORGANIZATION IN SUPPORTING UN ACTIONS TO PROMOTE  
AND PROTECT HUMAN RIGHTS. NO ONE IN THIS ROOM CAN  
READ THIS REPORT WITHOUT A STRONG FEELING OF DISMAY  
THAT THE SITUATION IN THAT COUNTRY STILL REMAINS  
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PAGE 03 STATE 049697

CRITICAL FOR THE INDIVIDUAL PERSON. CONSTITUTIONAL  
PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IS STILL LACKING. DISAPPEARANCES UNDER CIRCUMSTANCES  
SUGGESTING COMPLICITY OF THE SECURITY FORCES HAVE  
BEEN REDUCED IN THE LAST YEAR. HOWEVER, WE REGRET  
AND CONDEMN THE FAILURE OF THE CHILEAN GOVERNMENT  
TO DEMONSTRATE CONVINCINGLY ITS OWN CONCERN OVER THE  
MANY PERSONS WHO HAVE PREVIOUSLY DISAPPEARED IN CHILE  
AND TO ACCOUNT FOR THE MANY OF WHICH IT SURELY HAS  
KNOWLEDGE. INTIMIDATION OF INDIVIDUALS, REFUSAL TO  
RESPECT THE LIBERTY AND SECURITY OF PERSONS OCCURS  
ALL TOO FREQUENTLY. POLITICAL RIGHTS HAVE EVEN BEEN  
SET BACK IN THE YEAR 1977 WITH THE DISSOLUTION OF ALL  
REMAINING POLITICAL PARTIES AND THE PROHIBITION OF  
ANY POLITICAL ACTIVITIES OF ANY KIND. FREEDOM OF  
EXPRESSION IN CHILE AND THE RIGHT TO BARGAIN  
COLLECTIVELY REMAINS LIMITED. THIS IS NOT A HAPPY  
PICTURE, AND THIS COMMISSION CANNOT IGNORE IT, EVEN  
THOUGH I FEEL CERTAIN THAT WE ALL SENSE FRUSTRATION  
AT THE APPARENT INABILITY OF THIS BODY AS A WHOLE  
AND ITS AD HOC WORKING GROUP TO INFLUENCE SIGNIFICANTLY  
POLICIES OF THE GOVERNMENT OF CHILE IN THE DIRECTION

OF A RE-ESTABLISHMENT OF BASIC HUMAN RIGHTS IN THAT COUNTRY.

THERE ARE MANY ASPECTS OF THE CHILEAN SITUATION WHICH CONCERN MY GOVERNMENT IN ADDITION TO THE BASIC HUMAN

RIGHTS QUESTIONS. THIS COMMISSION AND THE GENERAL ASSEMBLY HAVE GIVEN CAREFUL AND REPEATED ATTENTION TO THE CHILEAN SITUATION. WE HAVE HEARD DURING OUR DEBATE THIS YEAR A SERIES OF STATEMENTS, MANY OF WHICH ARE ECHOES OF STATEMENTS MADE AT PREVIOUS SESSIONS -- AND ALL OF WHICH CONDEMN CHILE IN THE MOST SERIOUS TERMS. EACH TIME THIS DEBATE HAS TAKEN PLACE CERTAIN ANOMALIES HAVE BECOME INCREASINGLY STRIKING. MANY OF CONFIDENTIAL

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PAGE 04 STATE 049697

THOSE WHO JUDGE THE GOVERNMENT OF CHILE MOST HARSHLY SPEAK AS REPRESENTATIVES OF GOVERNMENTS WHOSE OWN HUMAN RIGHTS RECORDS FALL FAR SHORT OF THE STANDARDS WHICH THE UNITED NATIONS HAS PROCLAIMED FOR ITS MEMBERS. WE ARE ANNUALLY PRESENTED WITH THIS TROUBLESOME CONTRADICTION -- THAT GOVERNMENTS JUDGING OTHERS RESIST JUDGMENT FOR THEMSELVES. THE GOOD STANDING OF THIS COMMISSION REQUIRES THAT WE FACE UP TO THE DOUBLE STANDARD WHICH IS FOUND IN OUR DECISIONS ON CHILE AND OUR FAILURES TO ACT ON OTHER CASES. THE GOVERNMENT OF CHILE CAN LEGITIMATELY COMPLAIN OF THIS DOUBLE STANDARD. IT AFFECTS NOT ONLY THE VERY CREDIBILITY OF THIS COMMISSION BUT ULTIMATELY ITS VIABILITY AS A MEANINGFUL BODY.

TO DEAL MOST EFFECTIVELY WITH THE SITUATION IN CHILE THIS COMMISSION DECIDED IN 1975 TO ESTABLISH AN AD HOC WORKING GROUP. OUR DECISION TO ESTABLISH THE WORKING GROUP WAS TAKEN WITH HIGH HOPES THAT THIS COMMISSION WOULD BE ABLE TO BRING ITS INFLUENCE TO BEAR IN COOPERATION WITH THE GOVERNMENT OF CHILE TO REMEDY THE HUMAN RIGHTS SITUATION IN THAT COUNTRY IN THE BASIC INTERESTS OF THE PEOPLE OF CHILE. WE HAD THESE HIGH HOPES AT THAT TIME BECAUSE WE HAD BEEN ASSURED BY THE GOVERNMENT OF CHILE THAT IT WOULD WELCOME THE WORKING GROUP AND THAT IT WOULD GIVE ITS FULL COOPERATION WHEN IT VISITED CHILE. IT IS NOT USEFUL NOW TO REHASH THE REASONS WHY AN IMPASSE HAS DEVELOPED BETWEEN OUR WORKING GROUP AND THE GOVERNMENT OF CHILE. WE CANNOT ACEPT THAT THIS IMPASSE MUST OF NECESSITY CONTINUE. THE WORKING GROUP HAS NOT BEEN SET UP AS AN INSTRUMENT OF CONDEMNATION OF THE GOVERNMENT OF CHILE. IT WAS SET UP TO CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 049697

COOPERATE WITH THAT GOVERNMENT IN ACHIEVING GOALS THAT WE ALL AGREE UPON -- THE RESTORATION OF FULL RESPECT FOR HUMAN RIGHTS IN THAT COUNTRY. IN OUR VIEW, IF THE AD HOC WORKING GROUP WERE TO VISIT CHILE, ITS MISSION WOULD BE ONE OF REPORTING UPON THE FACTS AND UPON ITS IMPRESSIONS ABOUT THE WAY THE UNITED NATIONS AND THE GOVERNMENT OF CHILE COULD JOINTLY

"," ,ING ABOUT THE NECESSARY IMPROVEMENTS. THIS ACT TO BRING ABOUT THE NECESSARY IMPROVEMENTS. THIS IMPASSE SHOULD NOT GO ON MUCH LONGER. WE EARNESTLY HOPE THAT THE WORKING GROUP AND THE CHILEAN GOVERNMENT CAN FOLLOWING ADOPTION OF A RESOLUTION AT THE PRESENT SESSION, SHOW THE REQUISITE FLEXIBILITY TO ALLOW FOR THE ESTABLISHMENT OF A FRUITFUL RELATIONSHIP WHICH CAN LEAD TO REAL PROGRESS IN THE MONTHS AHEAD. IN ANY CASE, WE CANNOT GIVE UP IN SPITE OF THE IMPASSE THAT HAS DEVELOPED. THE UNITED NATIONS CANNOT CEASE PURSUING ITS CHARTER MANDATE, TO PROMOTE HUMAN RIGHTS THROUGHOUT THE WORLD.

IN THE COMING DAYS THIS BODY WILL BE CONSIDERING A RESOLUTION ON THE SITUATION IN CHILE. THIS RESOLUTION WILL BE PRESENTED BY A DRAFTING GROUP IN WHICH THE UNITED STATES PARTICIPATED, BUT WE DECIDED NOT TO JOIN IN CO-SPONSORSHIP WHEN IT BECAME CLEAR THAT IT WOULD NOT TREAT THE VERY PROBLEMS WHICH HAVE SO FAR LEFT US AT THE IMPASSE TO WHICH I HAVE PREVIOUSLY REFERRED. WE WOULD HAVE BEEN ABLE TO JOIN IN CO-SPONSORSHIP WERE IT NOT FOR THE INFLEXIBILITY OF THE CUBAN DELEGATION AND OTHERS IN THE DRAFTING GROUP, PARTICULARLY WITH REGARD TO FAVORABLE MENTION OF THE REPORT ON CHILE OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION.

DESPITE OUR RESERVATIONS, WE WILL VOTE FOR THE  
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PAGE 06 STATE 049697

RESOLUTION AS AN INDICATION OF OUR CONTINUING CONCERN OVER THE SITUATION IN CHILE AND OF OUR DETERMINATION TO CONTINUE TO PRESS FOR THE COOPERATION OF NOT ONLY THE GOVERNMENT OF CHILE, BUT OF ALL GOVERNMENTS, IN ESTABLISHING A NEW RESPECT FOR HUMAN RIGHTS THROUGHOUT THE WORLD.

WE ARE CONVINCED THAT A MUTUALLY SATISFACTORY ARRANGE-  
MENT CAN BE FOUND WHICH WILL PERMIT THE COMMISSION  
AND ITS WORKING GROUP TO COOPERATE WITH THE CHILEAN  
GOVERNMENT IN THE MANNER ENVISAGED WHEN THE GROUP WAS  
ESTABLISHED. WE URGE THE AD HOC WORKING GROUP AND  
THE GOVERNMENT OF CHILE TO PUT THE PAST ASIDE AND TO  
SEEK A MUTUALLY ACCEPTABLE SOLUTION TO THE PROBLEM  
OF A VISIT BY THE WORKING GROUP TO CHILE. END TEXT  
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## Message Attributes

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